

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE PLUMBERS LOCAL UNION
NO. 1 WELFARE FUND, ADDITIONAL
SECURITY BENEFIT FUND, VACATION &
HOLIDAY FUND, TRADE EDUCATION FUND,
401(F) SAVINGS PLAN, and TRUSTEES OF THE
INTERNATIONAL TRAINING FUND,

Plaintiffs,

- against -

ORDER

09-CV-1815 (RRM)(VP)

ALJER PLUMBING & HEATING CORP.,

Defendant.

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MAUSKOPF, United States District Judge.

By motion filed April 15, 2010, Plaintiffs moved for default judgment as to Defendant Aljer Plumbing & Heating Corp. (“Aljer”). [Doc. No. 10]. By Order entered April 16, 2010, this Court referred that motion to the assigned Magistrate Judge, the Honorable Viktor V. Pohorelsky, for a Report and Recommendation. On March 16, 2011, Judge Pohorelsky issued a Report and Recommendation (the “R&R”) [Doc. No. 13] recommending that the Court deny the plaintiffs’ application for default judgment, without prejudice to renewal upon appropriate sworn statements authenticating and explaining the audit reports submitted by the plaintiffs. He recommended that, if those submissions, when proffered to the court, adequately explained the basis for the calculations in the audit reports, the court should enter judgment in favor of the Plaintiffs against Defendant, and awarding Plaintiffs: (1) unpaid contributions in the amount of \$26,840.63; (2) interest of \$11,374 through March 16, 2011, plus \$7.25 per day to the date of judgment; (3) liquidated damages in the amount of \$5,368.13; and attorney’s fees and costs in the amount of \$2,654.40. Judge Pohorelsky reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due March 30, 2011. No party has filed any objection. On March 24, 2011, the Plaintiffs filed an affidavit by the

accountant in charge of the audit in question, explaining the manner in which the damages were calculated. [See Doc. No. 15.]

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Given that Plaintiffs have complied with Judge Pohorelsky's instructions, judgment shall enter in favor of the Plaintiffs against Defendant as follows: (1) unpaid contributions in the amount of \$26,840.63; (2) interest of \$11,374 through March 16, 2011, plus \$7.25 per day to the date of judgment; (3) liquidated damages in the amount of \$5,368.13; and attorney's fees and costs in the amount of \$2,654.40. The Clerk of Court shall enter judgment accordingly, and close this case.

SO ORDERED.

Dated: Brooklyn, New York
March 30, 2011

/S/

ROSLYNN R. MAUSKOPF
United States District Judge